Freedom of Speech in Islam

Prepared by
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FOREWORD

All praise is due to Allah, the Creator who blessed mankind with the mercy of the universe, Hazrat Muhammad (S.A.W.), who was granted the "precise words" which guided man away from ignorance and continue to lead them up to the present time. Blessing upon the Sahabah (R.A.) who served as fortresses to protect the honour, dignity and the noble position of Rasulullah (S.A.W.).

These days it is common for Muslims to utter or write statements which are completely erroneous.

"Freedom of Speech" is a phrase which hails from the tongues of the genuinely oppressed and the hypocrites alike. The western world has, with its elusive promise of peace managed to mislead many into believing that the extremities to which it stretches can only be beneficial to mankind. Allah and His Rasul (S.A.W.) have taught us differently. It is hoped that after reading through these pages the futility of the western concept of total freedom and the gates of wisdom which Islam has placed to restrict every act to certain basic limits will make sense to the reader.

The difference between man and animal is that man lives to the dictates of his Aql (intelligence), thus his ability to differentiate between different situations whereas, animals, (the role model which the west uses), follow their instincts and have generally very few limits in reaching their instinctive goals. Any mention of restriction is labelled as "narrow mindedness", "outdated" and "old fashioned" etc. by the ignorant. The reader should be aware of this basic yet essential difference between the Islamic concept of freedom and the western one in order to fully appreciate the sublime, wise, beautiful and sensible guidance which Islam offers with regard to this often misused expression "Freedom of Speech".

A.H. ELIAS (Mufti)

FREEDOM OF SPEECH

That freedom of speech which is an individuals right is of paramount importance and needs clarification. This freedom is important for the intellectual and psychological development of human character. It is an obligatory and essential duty for Muslims to fulfil the essentials of Islam, enjoin the virtues and forbid the evil.

The following Qur'anic ayaats are explicit:
"Let there arise out of you a band of people inviting to all that is good. Enjoining what is right and forbidding what is wrong ....." *(Al-Imran: 104)*
"The believers, men and women are the protectors, of one another, they enjoin what is good and forbid evil ...." *(Al-Tauba: 71)*
"By (the token of) time, Verily, (surely) man is in a state of loss, Except those who have Iman, and do righteous actions, and are steadfast (on the teaching of) Haqq (truth) and who are steadfast in patience and constancy (sabr) ...." *(Al-Asr: 1-3)*

Rasulullah (S.A.W.) said:
"The one among you who sees evil, should change (set it right) with his hand (force). If he cannot do so, then with his tongue. If he cannot do that too, then with his heart and this is the weakest (form of) faith".
"When one sees my Ummah scared of calling a tyrant a tyrant, then it is a sign that Allah has forsaken it (the help of Allah)."

Rasulullah (S.A.W.) said:
"Whoever is asked for knowledge and conceals it, will have a bridle of fire around his neck on the Day of Qiyamat (Judgement)." *(Tirmizi, who classified it as Hasan - authentic, Abu Huraira, and Abu Dawood)*

Iman and Tauheed strengthen courage and valour in a Muslim. When a Muslim firmly realises that only Allah can harm or benefit him and that every creation of His is dependent on Him, man is weak and has no power to harm or benefit himself or anyone else, then to instil the Haqq (truth) in the face of baatil (falsehood) is easy. This realisation develops, strengthens and intensifies the faith in Allah since life and death are NOT in anyone's hands except His.

Subjects and Rulers

The right of the individual is to censure the rulers, to advise them and to criticise their disposition and actions. This necessitates the need for the individual to enjoy the freedom of speech. The institution of the principle of mutual consultation and discussion, demands the freedom of opinion.

Rulers in Islamic states allowed and encouraged the freedom of speech.

On his appointment to Caliphate, Hazrat Abu Bakr (R.A.) stated:
"If I behave well, support me. If I falter straighten me." *(Ibn Hisham, vol 3, p102.)*

The speech of Hazrat Umar ibn al-Khattab (R.A.) on his appointment to the Caliphate contained the following:
"Those of you who see crookedness in me, must straighten it". A person among the audience asked him "By Allah, if we see crookedness in you, we will straighten it with our swords?"

To this Hazrat Umar (R.A.) replied:
"All Praise to Allah, Who has created someone in the community of Muhammad (S.A.W.) who can straighten Umar with his sword." *(Umar the Great, by Allama Shibli Noamani, vol 2, p242.)*

The Sahabah (R.A.) used to censure one another. However one should NOT utter a single word against their (the Sahabahs) position, honour and dignity.

It is not sufficient for an individual to merely recognise the right of the freedom of opinion in order to enjoy it. It is of great importance that one should have a high degree of courage, strength, and sincerity. Fear, weakness and cowardice prevents a person from disclosing honest and just opinions.

Furthermore Allamah Qurtubi (R.A.) states:
"That 'you enjoin all that is good and forbid all that is evil (wrong)' is the characteristic of Muslims, according to Allah. As long as they do it sincerely, they will be the best of the community. However, any negligence in this respect will deprive them of this honourable title and will result in their disaster." *(al-Jamey-al-akham-al-Qur'an, vol 4, p173.)*

The Pious People After The Caliphs

"The call to enjoin good and forbid wrong (evil) is one of the essential (farz) duties of Muslims". *(Fatahul Qadeer, vol 2, p363.)*

Imam Shaukani (R.A.) states:
"The significance of enjoining what is good and forbidding the wrong is testified by both the Qur'an and the Sunnat. Being one of the essentials of the Deen, it is like a pillar on which rests the high edifice of the Deen". *(Fatahul Qadeer, vol 1, p337.)*

Furthermore when some people mentioned to Imam Ahmed ibn Hambal (R.A.) (780-855 CE) that they felt uneasy about criticising people, he replied:
"If I were to remain silent, how would the ignorant masses know the truth from falsehood?"

RESTRICTIONS IN FREEDOM OF SPEECH

Once one understands the USUL (principle), then the concept of restrictions and control of freedom of speech is easily comprehensible.

Allah has granted us faculties and qualities. These have to be used and disciplined according to His Laws. If one does not adhere to its proper usage, then oppression results. The degree of oppression depends on the level of displacement. Allah has blessed us with the faculties of hearing, seeing, smelling, and tasting, but has prohibited music, viewing pornography, smelling fragrances drawn from haraam compounds and strange women and the tasting of pork and alcohol. He has blessed us with the inborn quality of passion, but while in a state of fasting or Ihraam, one cannot fulfil these desires. This passion must be utilised in permissible ways on spouses legally in ones Nikah (marriage). Hence, He has blessed us with laws and rules to be used in a specific manner with restrictive applications.

The same applies to speech. The Noble Qur'an and the Ahadith give directions as to the manner, method and mode of speech - laying great stress on the tongue.

Allah says in the Qur'an:

1.1. *"...and when the ignorant addresses them, they say 'Peace'."* (25:63)

1.2. *"...speak to him (Pharaoh) with gentle words, he may yet heed and fear (Al lah)."* (Taha 20-40)

1.3. *"...and speak in good (i.e. courteous and dignified) manner to mankind."* (2:83)

1.4. *"...and lower your voice (speak to people with serenity)."* (31:19)

1.5. *"...and be moderate in your pace, and lower your voice, for the harshest of sound is without doubt the braying of an ass."*

On the control of the tongue, Rasulullah (S.A.W.) said:

2.1. *"Whosoever can stand security to me for what is between his jaws (tongue) and what is between his two legs, I can assure him Jannat (paradise)."* (Bukhari)

2.2. *"He who keeps silence will be safe."* (Ahmed, Tirmizi)

2.3. *"The rank of a man of silence is better than a divine service for sixty years."* (Baihaqi of Miskhat)

2.4. *"Sometimes a man says carelessly something which makes him worthy of the lowest depth of Jahannam (hell)."* (Bukhari, Muslim)

2.5. *"Mankind's tongue has numerous sins."* (Tabrani)

2.6 *"He who remains SILENT gains salvation."* (Tirmizi)

RESTRICTIONS IN SPEECH

Moulana Maseehullah Khan (R.A.) writes in "Shariat and Tasawwuf":
"The mujaahadah of reducing conversation is more difficult than the mujaahadah of reducing food and sleep. In spite of this difficulty, FREEDOM IN IT (I.E. SPEECH) HAS NOT BEEN GRANTED because of the evils involved in abundant speech. One becomes greatly involved in sin because of speaking much. Reducing speech has therefore been stipulated as a RUKN (fundamental) of mujaahadah. Reducing speech does NOT mean reduction in such talk which is necessary. But, it means shunning non-sensical or futile conversation even if such talk happen to be lawful. It is not permissible to shun talk which is necessary."

The Moulana goes on to explain what is "Necessary Speech". " 'Necessary' here means such a need which if refrained from will result in harm. Therefore, if refraining from a certain conversation, will result in some worldly or Deeni harm, then such talk will be necessary." *(Shariat and Tasawwuf, part 1, p40, Eng.)*

1. A general restriction that limits the use of ALL rights is that there should be sincerity of intention and fairness of objective coupled with the earnest desire to obtain the pleasure of Allah. This freedom of speech must be used to achieve justice, be of benefit to society and good will to Islam, to the leaders of the Muslims and to the masses as ordained by Allah.

2. One must NOT seek through the freedom of speech pride, ostentation, and one's own publicity, down grading of others, magnifying their shortcomings or obtaining privileges and positions.

3. In accordance with Islamic principles and belief, it is NOT permissible to use the freedom of opinion as a pretext for ridiculing Islam, the Ambiyaa (A.S.) or any other Islamic belief or action. Allah says:
   "Honour belongs to Allah, His Nabi and the believers."
   Ridiculing will cause a Muslim to become a Murtad (apostate), deserving punishment.

4. The moral spirit of Islam should be maintained. While it is NOT permissible for a person to insult and abuse people or hurl bad, filthy words at them in the name of freedom of speech, it is clear that openly opposing innovations and deviations is of general benefit to the Muslims and comes under the heading of JIHAAD FEE SABEELIL-LAAH.

Allah says:
"Surely those who hide from people the clear proofs and guidance, which We clarified in the Kitab (Qur'an), will be cursed by all those who curse." *(Baqarah, 2-159)*

Rasulullah (S.A.W.) said:

"Whoever is asked for knowledge and conceals it, will have a bridle of fire around his neck on the Day of Qiyamat (Judgement)." (Tirmizi, who classified it as Hasan [authentic], Abu Huraira, and Abu Dawood)

Furthermore when some people mentioned to Imam Ahmed ibn Hambal (R.A.) (780-855 CE) that they felt uneasy about criticising people, he replied:
"If I were to remain silent, how would the ignorant masses know the truth from falsehood?"

According to unanimous opinion of Muslim scholars, those who introduce heretical writings and deviant religious beliefs and actions contrary to the Qur'an and Sunnah must be exposed and the Muslim nation warned against them. In fact, when Imam Ahmed ibn Hambal (R.A.) was asked if a person who fasted, prayed and secluded himself in the Masjid was dearer to Him than the one who spoke out against the people who deviated, he replied:
"When he fasts, prays and secludes himself, he does so for himself alone, but if he speaks out against deviations, he does so for Muslims in general which is more noble." (Ibn Taymeeyah in Majmooah ar Rasaail wa al Masaail, vol 4, p110)

Sufyan-b-Abdullah said: "I enquired: Ya Rasul of Allah, what is the most fearful of what you fear for me?" He held his tongue and said "This".
(Tirmizi)

A man says a word of good without knowing its far reaching effect. Allah writes for him His pleasure upto the Day He will meet him, and a man says a word of ill (evil) without knowing its far reaching effect, Allah writes against him His displeasure upto the Day He will meet him.
(Tirmizi, Ibn Majah)

BACKBITING AND CURSING

Shah Waliullah (R.A.) in his Hujjatullah-ul-Baligha vol 2, states that there are six types of talk (speech) NOT classified as backbiting. They are:

1. When one mentions one's oppressive state.
2. To say something which will bring obedience from disobedience.
3. When seeking a fatawa (ruling), the reality of the affairs and situations have to be stated.
4. To say things that save Muslims from evils.
5. To detest a person who is an open sinner and transgressor.
6. To state the actual condition of a thing for the benefit of those around him, eg. so and so has an eye defect or is cripple.

Imam Gazzali (R.A.) in his Ihya-ul-Uloom-ud-din writes the following under the heading "curse when lawful":
"Curse means to drive away a thing from Allah. This applies to things which are already distant from Allah, as infidelity, oppression etc. It is lawful to curse the unbelievers and oppressors with such words as permitted by the Shar'iah. When the following three things prevail, then cursing is allowed:

1. Infidelity
2. Bidat (innovation)
3. Great sins.

There are three types of curses.

The first is that the curse is allowed in a general way, for instance, curse upon the innovators, the transgressors etc.

The second is the curse upon a specific group of people such as the Jews, Christians, the corrupt, the fornicators, the oppressors etc.

The third is a curse upon a particular person. It is only lawful to curse a person whom the Qur'an and Hadith cursed, eg. the curse upon Pharaoh, and the curse upon Abu Jahl - because they died in infidelity. One is NOT allowed to curse an individual unbeliever at present as he may become a Muslim before his death.

THE MEANING OF BLASPHEMY

There are many specific acts, utterances or writings to which the term blasphemy applies under the Islamic Law. Any or all of the following fall in this category:

Reviling or insulting Rasulullah (S.A.W.) in writing or speech; attacking his dignity and honour in an abusive manner; vilifying him or making an ugly face when his name is mentioned; showing enmity or hatred towards him, his family, companions and the Muslims; accusing or slandering him and his family, including spreading evil reports about him or his family; defaming him; refusing his jurisdiction or judgement in any matter; rejecting the Sunnah al-Nabawiyya; showing disrespect, contempt for or rejection of the rights of Allah and His Rasul or rebelling against Him and His Rasul.
Enumerated are some details concerning the rulings and verdicts of speaking ill of Rasulullah (S.A.W.), and in general the Sahabah (R.A.) and the Ambiyaa (A.S.).

About Any Sahabi (R.A.)

Imam Ahmed-ibne-Hambal (R.A.) stated that an Islamic Shari'a punishment is compulsory upon the person who accuses any Sahabi (R.A.) of faults and blemishes. He also used to be sceptical of such a persons Iman and regarded him to be an accessory and slanderer against Islam. (Maududi Saheb, Akabar-e-Ummat Ke Nazrme, p98)

The judgement of Imam Muslim (R.A.)'s teacher Imam Aboo Zirah (R.A.) says:
"When a person sees anybody criticising and speaking ill of the Sahabah (R.A.), then he should know that that person is a 'Zindeeq' (unbeliever, renegade). This is because the Qur'an is the truth and whatever Rasulullah (S.A.W.) brought and reached us directly or through the Sahabah (R.A.) is also the truth. Thus whoever criticises them is in reality trying to prove that the Qur'an and the Sunnat are unsound. Hence it is only appropriate that we call that hopeless and unworthy person a 'Zindeeq' (renegade, unbeliever and depraved)."

Mujjadid Alfe Thani (R.A.) reported Imam Malik (R.A.) as saying:
"Whosoever Speaks ill of the Sahabah (R.A.), be it Abu Bakr (R.A.), Umar (R.A.), Uthman (R.A.), Mua'wiya (R.A.) or Amar-ibne-Aas (R.A.) or if he abuses and accuses them of Kufr, sin or impiety should be killed or severely punished." (ibid. p97/98)

About Hazrat Miqdaad-Ibn-Aswad (R.A.)

Hazrat Umar (R.A.) once heard that a person had spoken ill of Hazrat Miqdaad-

ibn-Aswad (R.A.) who was a Sahabie. He then said:
"Allow me to cut of that unworthy persons tongue so that he will not have the ability to speak ill of any Sahabah (R.A.) in the future. (Maududi Saheb, Akabar-e-Ummat ke Nazrme, p109)

About Hazrat Mua'wiya (R.A.)

Sheikh-ul-Islam, Allamah-ibn-Hajar al-Asqalani (R.A.) says:
"The person who feels that Hazrat Mu'awiya (R.A.) was a wrong doer is a Shia and the person who openly utters against the Sahabah (R.A.) is a Raafdi." (ibid. p101)

About Hazrat Ayesha (R.A.)

There is unanimity ijma (agreement) among the fuqaha of Islam that if anyone reviles Hazrat A'isha (R.A.) or any of the other wives of Rasulullah (S.A.W.) becomes a kafir and a blasphemer and his punishment is death because he has violated the Qur'anic injunction in which Allah warns Muslims not to commit this type of horrible crime at any time. Allah says:
"(O Muslims), Allah admonishes you not to commit this crime [to revile the family of Rasulullah (S.A.W) at any time if you have any spark of Iman (belief) in your hearts."
(Surah Al-Noor, 24:17; Al-Saif al-Sarim, Darul-Jail, Beirut, 1975, p571)

Hazrat Ibn Abbas(R.A.) said:
"A reviler of Rasulullah (S.A.W.)'s wives should be condemned to death and executed. There is no room for accepting the apology of such a person." (Al-Saif al-Sarim, p571)

Hazrat al-Saaib al-Qadhi said:
"One day I was with Al-Hasan b Zaid, a daa'iy (preacher) of Islam in Tabristan. A man sitting beside him reviled Hazrat A'isha (R.A.). On hearing this, Al-hasan b Zaid called his servant and ordered him to cut off the neck of the blasphemer. The order was carried out immediately." (Al-Saif al-Sarim, pp571-572)

Hazrat Ismaeel b Ishaq said:
"Any person who reviles Hazrat A'isha (R.A.), the wife of Rasulullah (S.A.W.) or his daughter Hazrat Fatima (R.A.) should be executed." (Al-Saif al-Sarim, p571)

Hazrat Abu Bakr b Ziyad al-Nisapuri said:
"I heard Al-Qasim b Muhammed saying to Hazrat Ismaeel b Ishaq that a man who used to revile Hazrat Fatima (R.A.), the daughter of Rasulullah (S.A.W.), was executed by Al-Mamoon." (Al-Saif al-Sarim, p571)

It is narrated from Muhammad bin Zaid that a man had come to see him from Iraq and reviled Hazrat A'isha (R.A.). Muhammad bin Zaid stood up, took hold of a sturdy wooden stick and struck the man on the head, killing him instantly. Then he said: *"This man deserved it."* (Al-Saif al-Sarim, p572)

About any Nabi (A.S.)

Hazrat Ali (R.A.) reported from Rasulullah (S.A.W.):
"Anyone who abuses any of the Ambiyaa of Allah, kill him and he who abuses (swears) his companions, lash him." (Al-Shifa vol 2 p194, Faiz-ul-Qadir vol 6 p147)

Our Beloved Rasulullah (S.A.W.):

Our Beloved Rasulullah (S.A.W.) is the last, final and universal Rasul of Allah. Allah says:
"Say (O Muhammad) to all mankind: 'I am a Rasul of Allah sent to all of you'." (Surah Al-Araf 7:158)

The sending of the ambassadors of Islam by Rasulullah (S.A.W.) with the message of Islam to the rulers, kings, heads of states and emperors to the different lands of the world is a unique event in history. This proves that from the very first day Islam was meant for the whole of mankind. Hazrat Dihya al-Kalbi (R.A.) was sent to Heraclius, the Ceasar of Rome; Hazrat Abdullah b Hudhaifa (R.A.) was sent to Khusrau of Iran; Hazrat Hatib b Abu Balta (R.A.) was sent to Muqauqis, the ruler of Alexandria; Hazrat Amr b Umayya (R.A.) was sent to Negus, the king of Abyssinia; Hazrat Shuja b Wahb al-Asadi (R.A.) was sent to Harith b Abu Shimar al-Ghassani, the chief of Syria and Hazrat Salit b Amr (R.A.) was sent to the chiefs of Yemen. (Sulaiman Nadvi, Muhammad: The Ideal Prophet. Academy of Islamic Research and Publications, Lucknow, India, 1977. pp98-99)

Thus the universal protection of His dignity, honour, status and position is essential.

Hazrat Ali (R.A.) reports from Rasulullah (S.A.W) who said:
"Anyone who abuses me, kill him immediately." (Al-Shifa al-Bahrul Zakh Khar vol 2 p205)

Rasulullah (S.A.W.) said:
"The killer of a blasphemous person is the helper of Allah and His Rasul (S.A.W.)."

The Sahabah never let a reviler of Rasulullah (S.A.W.) go scot free. As soon as they heard any person insulting or reviling him, they killed him (the reviler). Rasulullah (S.A.W.) authorised them to do so. In some cases Rasulullah (S.A.W.) was so pleased with the person protecting Islam, that he would declare him to be a helper of Allah and Rasulullah (S.A.W.). (Al-Saif al Sarim, pp 145-146)

Hazrat Muhammad b Abdul-Hakam said:
"The companions of Imam Malik (R.A.) told us that any person who reviles any of the prophets of Allah, including Rasulullah (S.A.W.) be it a Muslim or a Kafir, must be

killed. Such a persons apology and repentance are not accepted." (Al-Saif al-Sarim, p307)

Hazrat Imam Abu Hanifa (R.A.) said:
"Any person who reviles, insults, abuses or attributes lies to Rasulullah (S.A.W.) will be considered an apostate and his blood should be shed." (Al-Sarif al-Sarim, vol 2, pp189 & 205)

Hazrat Imam Shafi'ee (R.A.) said:
"Any person who reviles Rasulullah (S.A.W.) by any means which insults him will be considered blasphemous and Muslims are allowed to shed his blood." (Hashiat al-Bajuri, vol 2, p265; Asnal Matalib, vol 4 p117)

Hazrat Imam Ahmad b Hanbal said:
"Any person who reviles or abuses Rasulullah (S.A.W.) or his family, be he a Muslim or not, should be condemned to death and executed. His apology cannot be accepted." (Al-Saif al-Sarim, pp297 & 527)

It is a Deeni duty of all the Muslims on every surface of the earth to defend the Deen of Islam from every angle and aspect of blasphemy. Our Deen-ul-Islam and every aspect that it is associated with it (i.e Allah, Mala'ikha, Ambiyaa, Qur'an, the Sahaba (R.A.) etc.) have to be safeguarded and protected at all times and from any form of degradation.

In the light of the above facts, any reader should always be cautious when reading any literature or listening to any lecture. Unfortunately, everything we read or hear is not necessarily authentic these days.

The following important aspects should be followed when reading literature or listening to lectures:

1. The belief of the writer or speaker.
2. The taqwa (righteousness and piety) of the writer or speaker.
3. The Ilm (knowledge) of the writer or speaker.

If all the above aspects are in order, then the result is always fruitful, as a person is influenced on the spoken or written words.

If the speaker or writer lacks any of the above aspects, he can easily mislead people with statements like "Yunus dropped his mission and fled from the city, without asking Allah for guidance, he was punished for his oversight" or "He went to the cave to search for the truth or spiritual training".

May Allah guide us to identify the Islamic perspectives correctly and aid us in fulfilling our responsibilities for His pleasure only. Ameen.

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"And those who receive guidance do so for their own benefit and the welfare of their own souls; and those who go astray do so for their own loss, and for the destruction of their own souls"

Al Qurán : Surah: al-Yunus
10-108.

"The dead and the deaf cannot save them from their strayings, only the true Muslims are those who listen, believe and practise."

Al Qurán - Surah-al-Rum
30 - 52/3

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